IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1204 OF 2007

Maxwell Industries Ltd. ..Petitioner
Vs.
The State of Maharashtra and anr. ..Respondents

Mr. J.P. Shah i/by JPS Legal for petitioner.
Mr. P.A. Pol, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 14, 2007.

P.C.:

1. Heard Mr. Shah the learned counsel for the petitioner-company who was the complainant in C.C. No.1333/S/2002 filed under Section 138 of the Negotiable Instruments Act, 1881. Though the amount covered by the dishonoured cheque was Rs.4 lacs, the learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai was pleased to allow the complaint and direct the accused to deposit compensation of Rs.4 lacs under Section 357(3) of Cr.P.C.

2. Being dis-satisfied with these directions for

recovery of the principal amount only, the complainant approach to the revision court in Criminal Revision Application No. 627 of 2006 and as per the Judgment and Order dated 18/4/2007 the said revision application came to be allowed partly by enhancing the compensation amount to Rs.5 lacs. The revision court also noted that the original accused had also deposited an amount of Rs.4 lacs in November, 2004 and the balance of Rs.1 lac was to be received by the present petitioner from the accused. It is thus clear that over and above the principal amount, an amount of Rs.1 lac has been directed to be paid by way of compensation and the said amount is 25% of the original amount. The view taken by the revision court is just and proper and, therefore, the said order dated 18/4/2007 does not call for any interference in this petition under Article 227 of the Constitution.

3. The petition is, therefore, rejected summarily.

(B.H. Marlapalle,J.)